IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, et al., :

:

Plaintiffs, :

:

v. : CIVIL ACTION NO. : 1:17-CV-2989-AT

BRIAN P. KEMP, et al.,

:

Defendants. :

ORDER

Defendants removed this case from Fulton County Superior Court on August 8, 2017, and several motions and outstanding issues are now before the Court.

First, Plaintiffs filed a motion for leave to amend the Complaint in the previous state court proceedings. (*See* Docs. 1-9, 2.) Plaintiffs have since filed a memorandum in support of their motion to amend. (*See* Doc. 7.) Plaintiffs' memorandum states that they may file their Amended Complaint as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), and Plaintiffs are simply seeking the Court's leave out of an abundance of caution. Plaintiffs are correct that they may file their Amended Complaint as a matter of course under Rule 15(a)(1)(B). Thus, the Amended Complaint (Doc. 1, Ex. 1) is deemed filed as of the date of this Order.

Second, Defendants filed a motion to dismiss the original Complaint on August 15, 2017. (See Doc. 8.) The Court **DENIES** Defendants' motion **AS MOOT** since it is superseded by Plaintiffs' Amended Complaint. See Dresdner Bank AG, Dresdner Bank AG in Hamburg v. M/V OLYMPIA VOYAGER, 463 F.3d 1210, 1215 (11th Cir. 2006) ("An amended pleading supersedes the former pleading; the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary.") (internal quotations omitted).

Third, Plaintiffs also filed a Notice of Related Case in the previous state court proceedings. (See Doc. 1-5.) They cite to the related case of Donna Curling et al. v. Brian Kemp, in his official capacity as Secretary of State of Georgia, et al., Case No. 2017cv290630, pending before the Honorable Kimberly M. Esmond Adams. The Court **DIRECTS** counsel for Plaintiffs to send all of the orders in the related case, as well as their own electronic filings, as attachments via email to AT Chambers@gand.uscourts.gov no later than 5:00 P.M. on August 18, 2017. Likewise, the Court **DIRECTS** counsel in the State Attorney General's Office to send all of their own electronic filings in the related case as attachments via email to the AT Chambers@gand.uscourts.gov no later than 5:00 P.M. on August 18, 2017. The Court ORDERS counsel for Plaintiffs and counsel in the State Attorney General's Office to each separately file on the electronic docket a summary of the status of the related case, not to exceed one page in length, no later than 5:00 P.M. on August 18, 2017.

Finally, there appear to be several issues related to the service of all the Defendants in this case. The Court will contact counsel about scheduling a phone conference to address these and other issues. To help facilitate this discussion, the Court will also email counsel a spreadsheet listing each Defendant and the apparent status of service at this juncture.

IT IS SO ORDERED this 18th day of August, 2017.

Amy Totenberg

United States District Judge